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## CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted on the date indicated below via facsimile to the United States Patent and Trademark Office facsimile number (571) 273-8300. Total number of pages in this transmission 5.

Date 05/01/2006

Gloria L. Knox

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

John R. Milton

Application No.: 09/938,465

Filed: August 23, 2001

Title: **SYSTEM AND METHOD FOR TRACKING PLACEMENT AND USAGE OF CONTENT IN A PUBLICATION**

Confirmation No.: 4080

Group Art Unit: 2162

Examiner: Corrielus, J.

Docket No. 10010979-1

**RENEWED PETITION UNDER 37 C.F.R. §1.181**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

1. On March 9, 2006, a Decision was rendered denying a petition filed in the above-identified patent application to withdraw the holding of abandonment. In particular, the Decision noted that the written record did not reflect the oral promise of the Examiner in the above-identified case to render a new Office Action and that any reliance by the Applicant on such oral promises were misplaced as all business must be conducted in writing.

Applicant respectfully renews the Petition to Withdraw the Holding of Abandonment under 37 C.F.R. §1.181 as the record now includes an Interview Summary that evidences the promise that was made during conversations between the Examiner and the undersigned that the Examiner would issue a new Office Action in the case after issuing the Advisory Action of June 13, 2005. Attached is a copy of the Interview Summary in the above-identified application that states the amendment of May 25, 2005 would be considered and that a new Office Action would be forth coming.

In this respect, Applicant restates the facts and arguments presented with the petition filed on January 24, 2006. In view of the written evidence of record in the above-identified application, Applicant respectfully requests that that the abandonment set forth in the


notice mailed by the Office on December 23, 2005 be withdrawn and that the prosecution of the application be resumed.

2. Submitted herewith is:

- ☐ A copy of the page of the response mailed \_\_\_\_\_ showing a Certificate of Mailing executed on \_\_\_\_\_.
- ☐ A copy of the post card identifying the papers filed and showing the USPTO receipt stamp dated \_\_\_\_\_.
- ☐ A copy of the complete response previously filed.
- ☐ A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.
- ☐ A statement of facts as set forth in the 37 CFR 1.181(b).
- ☒ Interview Summary mailed on April 24, 2006.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally, please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of Code of Federal Regulations that may regulate fees.

Respectfully submitted,



Michael J. D'Adello  
Registration Number: 40,977

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/93,465	08/23/2001	John R. Milton	10010979-1	4080

7590 04/24/2006  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 22400  
Fort Collins, CO 80527-2400

EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2162

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary		Application No.	Applicant(s)	
		09/938,465	MILTON, JOHN R.	
		Examiner	Art Unit	
		Jean M. Corielus	2162	
All participants (applicant, applicant's representative, PTO personnel):				
(1) <u>Jean M. Corielus.</u>		(3) _____		
(2) <u>Michael D'Aurelio (reg. no. 40,977).</u>		(4) _____		
Date of Interview: <u>10 November 2005.</u>				
Type: a) <input checked="" type="checkbox"/> Telephonic b) <input type="checkbox"/> Video Conference				
c) <input type="checkbox"/> Personal [copy given to: 1) <input type="checkbox"/> applicant 2) <input type="checkbox"/> applicant's representative]				
Exhibit shown or demonstration conducted: d) <input type="checkbox"/> Yes e) <input type="checkbox"/> No.				
If Yes, brief description: _____				
Claim(s) discussed: <u>1.</u>				
Identification of prior art discussed: _____				
Agreement with respect to the claims f) <input type="checkbox"/> was reached. g) <input checked="" type="checkbox"/> was not reached. h) <input type="checkbox"/> N/A.				
Substance of Interview Including description of the general nature of what was agreed to if an agreement was reached, or any other comments: <u>It was agreed that the amendment filed on May 25, 2005 will consider and a new office action will be forth coming.</u>				
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)				
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.				
Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.		<u>Jean M. Corielus</u> Examiner's signature, if required		

U.S. Patent and Trademark Office  
PTOL-413 (Rev. 04-03)

Interview Summary

Paper No. 041906

### Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record  
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

##### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (If Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.